

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANTHONY MANGANIELLO,

Plaintiff,

CIVIL ACTION No.: 07 CV 3644

- Against-

THE CITY OF NEW YORK, et al.

Defendants,
-----X

PLAINTIFF'S SUPPLEMENTAL RULE 26 DISCLOSURE

Plaintiff by and through his attorneys supplements his automatic disclosures, pursuant to Fed. R. Civ. P. 26, as follows:

EXPERTS: Plaintiff intends to call Frank D. Tinari, Phd., 500 7th Avenue, 10th Floor, New York, N.Y. 10018.

Qualifications: See attached Qualifications Profile.

Testimony: Mr. Colangelo's opinions are laid out in his report which is attached hereto.

Rate of Compensation: \$325 per hour and \$ 2500 per half day appearance and \$1500 per additional half day for Court appearances.

Cases In Which Testimony Was Offered: See attached list.

Yours etc.,

OSORIO & ASSOCIATES, LLC

BY: 

Michael H. Joseph, Esq.
184 Martine Avenue
White Plains, New York 10601
(914) 761-3168

Dated: White Plains, New York
April 7, 2008

Exhibit G

**AN APPRAISAL OF ECONOMIC LOSS
TO
ANTHONY MANGANIELLO**

Frank D. Tinari, Ph.D.

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April 7, 2008

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Certification

This is to certify that I am not related to any of the parties to subject action, nor do I have any present or intended financial interest in this case beyond the fees due for professional services rendered in connection with this report and possible subsequent services. Further, I certify that my professional fees are not contingent on the outcome of this matter but are based on the time expended on the services provided to counsel in connection with subject action.

This is to further certify that all assumptions, methodologies, and calculations utilized in this appraisal report are based on current knowledge and methods applied in the determination of projected pecuniary losses.

In addition, this is to further certify that I pledge to abide by the spirit and the letter of the Statement of Ethical Principles and Principles of Professional Practice of the National Association of Forensic Economics, a copy of which is attached to this report.


Frank D. Tinari, Ph.D.

Purpose of Appraisal

We were requested to evaluate economic losses suffered by Anthony Manganiello, allegedly as a result of an injury. Background facts regarding the plaintiff were provided in a packet of documents pursuant to this matter. Facts from these sources as well as additional information gathered from published documents are fully referenced at the point of use in this report.

The purpose of this report, therefore, is to provide a written appraisal of economic loss in the case of Anthony Manganiello.

Opinion of Economic Losses

Within a reasonable degree of economic certainty, and based on the analysis contained in this report, it is our professional opinion that the present value of the past and future pecuniary losses to Anthony Manganiello amounts to

ONE MILLION,
TWO HUNDRED SEVEN THOUSAND,
ONE HUNDRED TWENTY-ONE DOLLARS

[\$1,207,121]

We have also been requested to provide the total undiscounted value of loss in this matter, calculated at \$1,588,723. Our valuation does not take into account the ramifications of intangible, non-economic losses such as human suffering, love, emotional feelings, or consortium that may have been suffered by plaintiff or family members.

Background Facts and Assumptions

- 1) Plaintiff: Anthony Manganiello; male
 - 2) Date of birth: May 30, 1962
 - 3) Date of injury: February 12, 2001
 - 4) Residence: Yonkers, New York
 - 5) Prior health: good
 - 6) Education: high school
 - 7) Marital status: single
- 8) Life expectancy: as of February 12, 2001, males of Mr. Manganiello's age (38.71 years) live, on average, an additional 39.50 years. [SOURCE: New York State Courts, Pattern Jury Instructions, 2004, Appendix A, updated using *National Vital Statistics Reports*, Volume 56, No. 9, Table 1, December 28, 2007, www.cdc.gov/nchs/data/nvsr/nvsr56/nvsr56_09.pdf.] Therefore, males of plaintiff's age have an expected total life span averaging 78.21 years, implying a statistical date of death of August 14, 2040.
- 9) Statistical retirement age: as of the date of injury, males of plaintiff's age and level of education have 22.89 years to retirement. [SOURCE: Tamorah Hunt, Joyce Pickersgill and Herbert Rutemiller, "Median Years to Retirement and Work Life Expectancy for the Civilian U.S. Population" (Prepared Using 1992/93 BLS Labor Force Participation Rates), *Journal of Forensic Economics*, 10(2), 1997, pp.171-205, Appendix A - Table 5, by interpolation.] Applying these years results in a statistical date of retirement at 61.60 years of age, occurring on January 4, 2024. For simplicity, we assume a retirement date of December 31, 2023.
- 10) Expected working years: worklife expectancy tables provide statistics descriptive of the actual working life experience of the civilian population by age, employment status, and schooling. As of February 12, 2001, males of Mr. Manganiello's age/education level/labor-force-activity statistical cohort average 20.95 years of remaining labor force activity. [SOURCE: James Cieccka, Thomas Donley, and Jerry Goldman, "A Markov Process of Work-Life Expectancies by Educational Attainment Based on Labor Market Activity in 1997-98," *Journal of Legal Economics*, 10(3), Winter 2000-01, pp. 8-20.]
- 11) Worklife-to-retirement ratio: the number of years from February 12, 2001, until plaintiff's projected retirement date (22.89 years in this case) exceeds the number of expected remaining working years (20.95 years in this case). Thus, arithmetically, the number of years of worklife for this statistical cohort comprises 91.52% of the total remaining number of years until retirement.

12) Occupation and employment: at the time of injury, Mr. Manganiello was employed as a Special Patrol Officer for Parkchester South Condo, Inc. Mr. Manganiello reportedly began employment with Parkchester on June 19, 1992, and worked approximately 40 hours per week. Through this employment he was a member of the Special Patrolman Benevolent Association. Plaintiff was also employed part-time as a New York State Parks Police Officer. He reportedly began this employment in May 1998, and worked 15 to 20 hours per week. On February 12, 2001, plaintiff was falsely arrested and prosecuted for murder. As a result, plaintiff suffers from mental illness and lost his special patrol officers and police certifications. Plaintiff has not worked since February 12, 2001. [SOURCE: responses to Tinari Economics Group Fact-Finding Questionnaire (FFQ).]

13) Earnings history: [SOURCES: plaintiff's federal income tax returns, and W-2 Wage and Tax Statements.]

| Year | Parkchester | Village of Pawling | State of New York | Total |
|------|-------------|--------------------|-------------------|-----------|
| 1992 | | | | \$ 14,066 |
| 1993 | | | | 30,206 |
| 1994 | | | | 30,428 |
| 1995 | \$ 27,707 | \$ 120 | | 27,827 |
| 1996 | 13,730 | 219 | | 13,949 |
| 1997 | 34,573 | 429 | | 35,002 |
| 1998 | | not provided | | |
| 1999 | 35,790 | | \$ 9,936 | 45,726 |
| 2000 | 36,300 | | 9,899 | 46,199 |

We establish plaintiff's earnings based on his actual 2000 earnings. Therefore, plaintiff's earnings at Parkchester are projected at \$36,300, and earnings from the State of New York are projected at \$9,899 in 2000 dollars.

14) Fringe benefits: as a Special Patrol Officer plaintiff received various fringe benefits including health insurance (with dental and optical coverage), life insurance, and annuity plan. Given the prospective nature of insurance, the loss of health and life insurance in past years is limited to out-of-pocket medical expenses (none reported). For future years the loss of insurance-based fringe benefits is estimated at 15% of plaintiff's Parkchester earnings.

Additionally, we value the employer's contribution to the annuity plan at 30% of earnings. [SOURCES: *Collective Bargaining Agreement Between Parkchester South Condominium and Special Patrolman's Benevolent Association Local 1*, effective May 12, 2004 to May 11, 2007, and www.ehealthinsurance.com.] Therefore, we value fringe benefits at Parkchester at 30% of earnings in past years and 45% of earnings in future years.

We assume plaintiff received no fringe benefits through his part-time employment with the State of New York. Should additional information become available we reserve the right to amend our analysis upon request.

15) **Functionality and future employability:** on February 12, 2001, plaintiff was falsely arrested and prosecuted for murder. As a result, plaintiff suffers from mental illness including post-traumatic stress disorder and anxiety disorder. Dr. Latif concludes: "Anthony had not been able to motivate or initiate enough strength to pursue livelihood or a gainful career ... these symptoms developed causally as a result of the emotional trauma he experienced." Mr. Manganiello has also received a favorable decision for Social Security Disability benefits. [SOURCES: FFQ, *op. cit.*, medial opinion, prepared by Rehana Latif, M.D., and Notice of Decision, Social Security Administration, dated July 1, 2005.]

Based on the aforementioned information we assume plaintiff is totally disabled and will not re-enter the active labor market. Should additional information become available we reserve the right to amend our analysis upon request.

Components of Loss

The pecuniary value of loss resulting from Mr. Manganiello's injury is estimated by consideration of the following components:

1. net earnings in past years
2. net earnings in future years

Each of these components is analyzed separately in the following sections of this appraisal report.

Net Earnings in Past Years

This loss component consists of the net earnings Mr. Manganiello would have been able to earn, had he not been injured, from February 12, 2001, to the present time. Mr. Manganiello's pre-injury earnings capacity at the Parkchester is established at \$36,300, and earnings with New York State are established at \$9,899, in 2000 dollars. To project plaintiff's annual earnings at Parkchester through the present time, we apply an annual growth rate of 2.5%, reflecting contractual wage increases in recent years. To project plaintiff's earnings through the State of New York, we apply an annual growth rate of 3.2%, reflecting average wage growth trends in the economy in recent years. [SOURCES: *Collective Bargaining Agreement Between Parkchester South Condominium and Special Patrolman's Benevolent Association Local 1*, effective May 12, 2004 to May 11, 2007, and Hours and earnings in private nonagricultural industries, 1959-2007, *Economic Report of the President*, February 2008, Table B-47, http://www.gpoaccess.gov/eop/2008/2008_erp.pdf.] Plaintiff's gross earnings through 2008 are projected as follows:

| Year | Parkchester Gross Earnings [@ 2.5%] | New York Gross Earnings [@ 3.2%] |
|------|---|--|
| 2000 | \$36,300 | \$9,899 |
| 2001 | 37,208 | 10,216 |
| 2002 | 38,138 | 10,543 |
| 2003 | 39,091 | 10,880 |
| 2004 | 40,068 | 11,228 |
| 2005 | 41,070 | 11,588 |
| 2006 | 42,097 | 11,958 |
| 2007 | 43,149 | 12,341 |
| 2008 | 44,228 | 12,736 |

Gross earnings are adjusted to take into account several factors that help determine net earnings. An adjustment for worklife expectancy is necessary because the number of years of actual working life is generally less than the total number of years until retirement. The estimated remaining years of worklife, given in the Background Facts and Assumptions section above, amounts to 91.52% of the total remaining number of years until retirement for persons of plaintiff's statistical cohort.

Another adjustment takes into consideration the likelihood of periods of unemployment during a person's expected working life. Unemployment is an economy-wide phenomenon, but various statistical cohorts of the labor force experience different rates of unemployment. This adjustment is usually necessary since unemployment is not taken into consideration by wormlike expectancy figures. The latter indicate the number of expected years of participation in the labor force, whereas unemployment refers to periods of no work of those persons already active in the labor force.

The unemployment adjustment factor is calculated by first considering a time period in the immediate past that is comparable to the number of years until the projected retirement date. Between 1987 and 2006, males in plaintiff's age cohort experienced an average unemployment rate of about 4% per annum. [SOURCE: <http://data.bls.gov/PDQ/outside.jsp?survey=ln>]

Moreover, since state unemployment compensation benefits serve to replace a portion of most workers' lost earnings during periods of unemployment, the percentage is adjusted downward from 4% to 3%. Thus, a downward adjustment of the estimated gross earnings losses is made using that percentage to represent the probability of unemployment (and, hence, lost earnings) during the remaining years of labor force activity.

Another adjustment to earnings losses takes into account the value of fringe benefits. As mentioned previously, Mr. Manganiello's fringe benefits at Parkchester are valued at 30% of earnings in past years, and 45% in future years. We assume no fringe benefits in plaintiff's part-time employment with New York State.

A final adjustment takes into account job maintenance expenses that plaintiff would have continued to incur in maintaining his employment. These expenses typically include transportation expenses, clothing, meals outside the home and other costs. We estimate these expenses at 11% of earnings. [SOURCE: plaintiff's 2000 personal tax return.]

The preceding adjustments are summarized algebraically as follows:

| | <u>Parkchester</u> | | <u>New York</u> |
|--------------------------------------|--------------------|---------------------|-----------------|
| | <u>Past Years</u> | <u>Future Years</u> | |
| Gross Earnings Base | 1.0000 | 1.0000 | 1.0000 |
| x worklife adjustment | 0.9152 | 0.9152 | 0.9152 |
| x (1 - 3% unemployment) | 0.9700 | 0.9700 | 0.9700 |
| = Adjusted Earnings Base | 0.8877 | 0.8877 | 0.8877 |
| x (1 + 30%, 45%, 0% fringe benefits) | 1.3000 | 1.4500 | 1.0000 |
| x (1 - 11% job maintenance) | 0.8900 | 0.8900 | 0.8900 |
| = Net Earnings Factor | 1.0564 | 1.1896 | 0.7901 |

Our calculations indicate that plaintiff's pre-injury net earnings at Parkchester are estimated as being 5.64% greater than gross earnings in past years and 18.96% greater in future years. Plaintiff's net earnings from the State of New York are estimated at 79.01% of gross earnings.

Application of the preceding information yields a net earnings loss through the end of May 2008, calculated as follows:

| Year | Portion of Year | <u>Parkchester</u> | | <u>New York State</u> | | Annual Loss [(4) + (6)] |
|------|-----------------|--------------------------------------|---|--------------------------------------|--|----------------------------|
| | | Projected Gross Earnings [@ 2.5%] | Projected Net Earnings [(2) x (3) x 105.64%] | Projected Gross Earnings [@ 3.2%] | Projected Net Earnings [(2) x (3) x 79.01%] | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 2001 | 0.89 | \$ 37,208 | \$ 34,982 | \$ 10,216 | \$ 7,184 | \$ 42,166 |
| 2002 | 1.00 | 38,138 | 40,289 | 10,543 | 8,330 | 48,618 |
| 2003 | 1.00 | 39,091 | 41,296 | 10,880 | 8,596 | 49,892 |
| 2004 | 1.00 | 40,068 | 42,328 | 11,228 | 8,871 | 51,200 |
| 2005 | 1.00 | 41,070 | 43,386 | 11,588 | 9,155 | 52,542 |
| 2006 | 1.00 | 42,097 | 44,471 | 11,958 | 9,448 | 53,919 |
| 2007 | 1.00 | 43,149 | 45,583 | 12,341 | 9,751 | 55,334 |
| 2008 | 0.42 | 44,228 | 19,623 | 12,736 | 4,226 | 23,850 |
| | | | | | total: | \$ 377,521 |

Net Earnings in Future Years

Future losses are calculated beginning June 1, 2008, and continue until plaintiff's projected date of retirement (December 31, 2023). Plaintiff's 2008 gross earnings at Parkchester are established at \$44,228. This yield net earnings of \$52,614 ($\$44,228 \times 118.96\%$). Plaintiff's 2008 gross earnings with the State of New York are established at \$12,736, yielding net earnings of \$10,063 ($\$12,736 \times 79.01\%$). Plaintiff's earnings at Parkchester are projected to increase 2.5% per annum, as previously established. To projected earnings through the State of New York, we apply a 3.9% annual growth rate, reflecting expected average wage growth. [SOURCE: Principal Economic Assumptions, *2008 Annual Report to the Board of Trustees of the Federal Old-age and Survivors Insurance and Disability Insurance Trust Funds*, Table V. B1, <http://www.ssa.gov/OACT/TR/TR08/tr08.pdf>.]

Regarding future projected losses, it is possible to set aside a lump-sum monetary amount at the present time such that the annual flow of interest earnings from it plus a part of the principal would generate the equivalent amount of lost financial sums projected for each successive year under consideration. In other words, money has a time value. Pecuniary losses expected to be suffered at some future point in time are worth less in today's dollars because money can earn additional monies in the form of interest. Thus, to calculate the present value lump-sum amount, it is necessary to establish a reasonable interest rate which is referred to as a discount rate.

The tax-free return on high-grade municipal bonds serves as the basis of our discount rate. Over the past 5 years, the yield on high-grade municipal bonds of varying maturities has averaged 4.5%. Over the past 10 years, it has averaged 4.91%, and over the past 20 years, the yield has averaged 5.68%. [SOURCE: Bond Yields and Interest Rates, 1929-2007, *Economic Report of the President*, February 2008, Table B-73, <http://www.gpoaccess.gov/eop/tables08.html>.] In light of historical municipal bond returns and current financial market trends, we select 5% as the appropriate discount rate.

We note that interest earnings from any award in this case will be subject to future income taxation in each subsequent year. This poses a problem since the award will be, in effect, taxed indirectly when no provision has been made for this tax burden. Thus, it is assumed that any lump-sum award would be used to purchase investment instruments to provide a flow of nontaxable payments to plaintiff.

MANGANIELLO / Osorio & Associates, LLC

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Application of the preceding information yields a present value of plaintiff's future earnings losses, calculated as follows:

| Year | Portion of Year | Parkchester Net Earnings [@ 2.5%] | New York Net Earnings [@ 3.9%] | Annual Loss [(3) + (4)] | Present Value [@ 5%] |
|------|-----------------|--------------------------------------|-----------------------------------|----------------------------|-------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 2008 | 0.58 | \$ 30,516 | \$ 5,836 | \$ 36,352 | \$ 36,352 |
| 2009 | 1.00 | 53,929 | 10,455 | 64,384 | 61,318 |
| 2010 | 1.00 | 55,277 | 10,863 | 66,140 | 59,991 |
| 2011 | 1.00 | 56,659 | 11,286 | 67,946 | 58,694 |
| 2012 | 1.00 | 58,076 | 11,727 | 69,802 | 57,426 |
| 2013 | 1.00 | 59,528 | 12,184 | 71,711 | 56,188 |
| 2014 | 1.00 | 61,016 | 12,659 | 73,675 | 54,977 |
| 2015 | 1.00 | 62,541 | 13,153 | 75,694 | 53,794 |
| 2016 | 1.00 | 64,105 | 13,666 | 77,770 | 52,638 |
| 2017 | 1.00 | 65,707 | 14,199 | 79,906 | 51,508 |
| 2018 | 1.00 | 67,350 | 14,753 | 82,102 | 50,404 |
| 2019 | 1.00 | 69,034 | 15,328 | 84,362 | 49,324 |
| 2020 | 1.00 | 70,760 | 15,926 | 86,685 | 48,270 |
| 2021 | 1.00 | 72,529 | 16,547 | 89,075 | 47,239 |
| 2022 | 1.00 | 74,342 | 17,192 | 91,534 | 46,231 |
| 2023 | 1.00 | 76,200 | 17,863 | 94,063 | 45,246 |
| | | | totals: | \$1,211,202 | \$ 829,600 |

Summary

We now summarize the previously calculated losses in this matter to obtain the following total (undiscounted) and present value losses, as follows:

| Present Value | Component of Loss | Undiscounted Value |
|---------------------|------------------------------|-----------------------|
| \$ 377,521 | net earnings in past years | \$ 377,521 |
| 829,600 | net earnings in future years | 1,211,202 |
| <u>\$ 1,207,121</u> | <u>value of loss</u> | <u>\$ 1,588,723</u> |

It is important to understand that the total loss figure is a present value amount (in 2008 dollars), representing a lump-sum payment needed at present to generate a flow of payments sufficient to compensate for the losses in each year of loss included in this appraisal. In addition, please note that pre-trial or pre-judgment interest has not been calculated. These interest losses are typically determined at the time of trial and would be in addition to the losses calculated in this appraisal report.

The preceding findings are based on information provided to us as of this date. They are subject to revision should additional information be forthcoming that would change any facts or assumptions upon which this analysis rests. We also note that pecuniary losses are an approximation and are provided by the economic expert as a guide to the trier-of-fact. Because a loss stream cannot be computed with absolute confidence, a lump-sum payment represents a "rough and ready" attempt to put the plaintiff in the same position had the injury not occurred. [SOURCE: *Jones v. Laughlin Steel Corp. v. Pfiefer*, 462 U.S. 523, 545-47 (1983).]

QUALIFICATIONS PROFILE

FRANK D. TINARI

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Education

B.S. 1964 Economics, Fordham College
M.A. 1966 Economics, Fordham University
Ph.D. 1976 Economics, Fordham University

Employment

Professor, Associate Professor, Assistant Professor, Department of Economics, Seton Hall University, South Orange, NJ, 1971-2002.
President & founder, Tinari Economics Group, 1979- present.
Instructor, Economics, US Army Finance School, Indianapolis, IN, 1968-1970.
Other part-time and adjunct positions and Seton Hall University and other institutions, 1968-2002.

Academic and Professional Activities

National Association of Forensic Economics
Immediate Past President, 2007-08.
President, January 2005-January 2007.
President-Elect, 2004.
Chairman, Ethics Committee, 2001-2002.
Vice-President, Eastern Region, 1998-2001.
Mayor Emeritus, Borough of Florham Park, New Jersey, 2004-2007.
Trustee, Legal Center for the Defense of Life, Inc., Morristown, NJ, since November 1, 2002.
Board member, Labor Law, Society of Litigation Economists, 2000-2003.
Member, Council of Academic Policy Advisors, New Jersey Legislature, 2000-2001.
Adjunct Faculty, Graduate Certificate in Forensic Economics Program, University of Missouri at St. Louis, 2002-present.
Board of Trustees, The Adult School of the Chathams, Madison and Florham Park.
Board Member Emeritus. Member, September 1986 - June 1994.
Developer and Chairman, Thomas Kean Community Lecture Program, 1990-1994.
Board Chairman, June 1988 - June 1990; Vice-Chairman, June 1990 - June 1994.
Councilman, Borough of Florham Park, budget & finance portfolio, 1993-2003.
Invited guest lecturer, University of International Business and Economics, Beijing, People's Republic of China; 1983; 1985.
Vice-Chairman, Planning Board, Borough of Florham Park, 1979-1988.

FRANK D. TINARI

Academic and Professional Activities (continued)

Director, Division of Research, W. Paul Stillman School of Business, 1980-82.

Editorial reviewer: *Journal of Forensic Economics*, 1989-present. *Journal of Legal Economics*, 1994-present. *Journal of Economic Education*, 1990-present. *Perspectives on Economic Education Research*, 2006-present.

Reviewer of grant proposals, Sea Grant Program, 1984-1989.

Reviewer of economics manuscripts for major textbook publishers, 1974-80.

Founder/Director, Faculty Seminar Series (1974-79), Faculty Working Paper Series (1975-80), W. Paul Stillman School of Business, Seton Hall University.

Honors, Awards and Recognition

Recognition listing for work with Trial Lawyer's Care on 911 Victim Compensation Fund, in "Trial Lawyers Doing Public Justice 2004", Trial Lawyers for Public Justice, 2004.

Recipient of "Past Presidents' Award for Outstanding Service to the Association," from National Association of Forensic Economics, January 3, 2003.

Televised appearance on ABC World News Tonight, January 20, 2002.

Discussed September 11th Victims Compensation Fund.

Quoted on National Public Radio, January 18, 2002, regarding Victims Compensation Fund.

Recipient of Seton Hall University awards: Merit Award, 1984-1990; Dean's Award, W. Paul Stillman School of Business, 1984; Faculty Achievement Award, 1978 and 1979.

National recipient, "Honorable Mention, College Level" Award from Joint Council on economic Education, for innovations in teaching of economics; 1979; 1980.

Awarded several research grants from various external agencies.

Faculty Administrative Internship, Consortium of East Jersey, 1976-77.

Commendation Medal, United States Army, September 1970.

"Prize Winning Author for 1969" from Executive Council, Army Finance Association.

Speaking Engagements, Seminars and Presentations

Inns of Court: participated as guest speaker and expert witness in mock-trial:

- "Role Playing in Mock Deposition of an Expert Economist," Hudson County Inn of Court, Jersey City, NJ, January 8, 2008.
- "How to Effectively Use a Forensic Economist," Worrall F. Mountain Inn of Court, Morris County, Morristown, NJ, October 15, 2007.
- "Cross-Examining the Expert Economist," Hudson County Inn of Court, Jersey City, NJ, February 10, 2003.
- "Issues in the Use of Experts," Arthur T. Vanderbilt Inn of Court, Essex County, East Hanover, NJ, May 20, 2002.
- Essex Inns of Court, Justice William J. Brennan, Jr. Chapter, Newark, NJ, Jan. 10, 2000.
- Worrall F. Mountain Inn of Court, Morris County, NJ, November 22, 1999.
- Arthur T. Vanderbilt Inn of Court, Essex County, East Hanover, NJ, May 24, 1999.
- "Ethics in the Use of Experts," Arthur T. Vanderbilt Inn of Court, Essex County, Roseland, NJ, April 28, 1997.
- "The Expert Economist," Worrall F. Mountain Inn of Court, Morris County, Pupilage Group VI, Morristown, NJ, May 10, 1993.

FRANK D. TINARI

Speaking Engagements, Seminars and Presentations (continued)

NJ Institute for Continuing Legal Education (CLE)

- Panel Speaker, "Litigating a Wrongful Death Case," New Brunswick, NJ, April 14, 2007. (audiotaped)
- Panel Speaker, "Litigating the Employment Discrimination Case," Mt. Laurel, NJ, April 1, 2006. (audiotaped)
- "Mock Trial of an Employment Discrimination Case" panelist/mock trial witness, New Brunswick, NJ, July 30, 2003. (videotaped)
- "Valuing Employment Cases" panelist, Fairfield, NJ, October 26, 2002. (videotaped)
- "Calculating Damages in Employment Litigation" in *Litigating the Employment Discrimination Case* seminar, New Brunswick, NJ, January 19, 2002. (videotaped)
- Panelist, "Business Torts Litigation," New Brunswick, NJ, July 30, 1999.
- "Proving Economic Damages," Fairfield, NJ, December 16, 1995, January 6 and 20, 1996.
- "Experts by Experts," New Brunswick, NJ, January 1993.

American Trial Lawyers Association

- Talk using sample cases, "Direct & Cross Examination of the Economist", *Wrongful Death 2005*, New York State Trial Lawyers Institute, NYC, June 10, 2005. (Program videotaped.)
- Panel Speaker, "Economic Damages Roundtable: Overlooked Elements in Wrongful Death Cases," ATLA-NJ Boardwalk Seminar 2003, Atlantic City, April 25, 2003. (Program audiotaped.)
- Speaker, "Employment Law: Using Experts on Liability & Damages," ATLA-NJ Boardwalk Seminar 2003, Atlantic City, April 25, 2003. (Program audiotaped.)
- Speaker, "Economic Damages Issues in Employment Cases," ATLA-NJ Educational Foundation, Boardwalk Seminar 2002, Atlantic City, NJ, April 26, 2002.
- Speaker, "Economic Losses Resulting from Injuries," in *Developing Damages* program, ATLA-NJ Educational Foundation, Edison, NJ, Nov. 3, 2001.
- Invited Mock Trial Expert Witness, "Employment Law Forum," ATLA-NJ Boardwalk Seminar 2001, Atlantic City, April 27, 2001. (Program audiotaped.)
- Speaker on Employment Law damages, ATLA-NJ Educational Foundation, Edison, NJ, October 30, 1999.
- Panelist on damages in a death case, ATLA-NJ Educational Foundation, Edison, NJ, December 6, 1997
- Participated as expert witness in mock-trial seminar, New York State Trial Lawyers Institute, NYC, October 9, 1996.

In-house Seminars

- "The Role of the Economist in Assessing Damages," LIBERTY MUTUAL INSURANCE, Marlton, NJ, March 18, 2005.
- "Effects of Different Assumptions on Damages Calculations," BRAFF HARRIS & SUKONECK, Livingston, NJ, March 28, 2000.
- "Ten Points Regarding the Use of an Expert Witness Economist in Litigation," PORZIO, BROMBERG & NEWMAN, Morristown, NJ, March 9, 2000.

FRANK D. TINARI

Other Talks, Seminars and Presentations

- Panel Speaker, "Making Dollars & Cents of Your Employment Case: Evaluating & Litigating Damage Exposure," **New York City Bar Center for Continuing Legal Education**, New York, NY, May 9, 2007. (CLE credits granted; program videotaped)
- Speaker, "Taking and Defending Effective Depositions," **Lorman Education Services**, Park Central, New York, NY, March 27, 2007. (CLE credits granted; program audiotaped)
- Panel Speaker, "New York Jets Training Facility and Corporate Headquarters: a Model Public-Private Partnership," **CORENET GLOBAL** program, Park Avenue Club, Florham Park, NJ, November 9, 2006.
- Guest Speaker, "How to Use an Economist to Prove Damages in an Employment Discrimination Case," **National Employment Lawyers Association/New York, NYC**, May 24, 2006. (CLE credit granted; program videotaped)
- Paper presentation, "Assessing Economic Damages in Personal Injury and Wrongful Death Litigation: the State of New Jersey," **Annual Conference, ASSA, NAFE session**, Boston, January 7, 2006.
- Talk: "What is Forensic Economics?," presented at the **Fordham University Graduate Economics Department Alumni Lecture Series**, New York, November 29, 2005.
- Paper Presentation: "The Efficiency of the 9/11 Victim's Compensation Fund Formula in Awarding Economic Damages," presented at **The Second International Summer Conference of the National Association of Forensic Economics**, Dublin, Ireland, May 27, 2005.
- Talk: "Florham Park: Commercial and Infrastructure Projects, 2004-05," **Morris County Economic Development Corporation Meeting**, Morristown, NJ, April 28, 2005.
- Paper presentation, "Does the New Jersey Unisex Life Expectancy Table Alleviate or Promote Gender Discrimination?," with Kevin E. Cahill, **Annual Conference, Eastern Economic Association**, New York, March 4, 2005.
- Paper presentation, "Statistical Examination of the 9/11 Victim Compensations Fund Awards: Calculated vs. Actual Economic Awards" with Kevin Cahill and Elias Grivoyanis, **Annual Conference, ASSA, NAFE session**, Philadelphia, January 8, 2005.
- Panel Speaker, "Reflections on Damages Calculations for Victim Compensation Fund Claimants," **National Association of Forensic Economics, Western Economic Association International**, Vancouver, July 2, 2004.
- Roundtable participant, "A Comparison of U.S. and U.K. Personal Injury and Wrongful Death Damages Analysis in Litigation," **NAFE session, Annual Conference, Western Economic Association International**, Vancouver, Canada, July 2, 2004.
- Talk, "Report on My Experience Using VCF Tables for Calculation of Economic Loss," **National Association of Forensic Economics International Conf.**, Edinburgh, Scotland, May 27, 2004.
- Paper presentation, "Future Pension Gains are Treated as Losses in New York: a Note on a Perverse Result under New York State's Rule 50-A/50-B," **Annual Conference, Southern Economic Association, NAFE session**, San Antonio, November 23, 2003.
- Speaker, "Damages in New Jersey Civil Trial Practice," **National Business Institute**, Saddle Brook, NJ, September 12, 2003. (CLE credit granted; program audiotaped)

FRANK D. TINARI

Speaking Engagements, Seminars and Presentations (continued)

- Speaker, Trial Lawyers Care Tele-Conference, "Economic Damages under the Victim Compensation Fund," Newark, NJ, February 11, 2003.
- Roundtable Panelist, "Valuation of Time Spent in Companionship, Care & Society," National Association of Forensic Economics, Winter Conference, St. Thomas, U.S. Virgin Islands, January 31, 2003.
- Lecture, "The Economic Impact of 9/11", South Orange Public Library, January 23, 2003.
- Paper presentation, "Productivity of Forensic Damages Experts", Annual Conference, ASSA, NAFE session, Washington, DC, January 3, 2003.
- Roundtable Speaker, "The Structure, Content and Presentation of Reports," National Association of Forensic Economics, Western Economic Association International, Seattle, July 2, 2002.
- Roundtable Panelist, "Ethics Symposium: a Discussion of the Proposed New Statement of Ethical Principles," National Association of Forensic Economics, Western Economic Association International, Seattle, June 30, 2002. Panel Speaker, "Issues in Calculating Economic Losses," **Trial Lawyers Care Volunteer Training Seminar**, Atlantic City, NJ, April 26, 2002.
- Paper presentation, "The Use of Forensic Economics in the Undergraduate Curriculum," with Frank Slesnick, Annual Conference, Eastern Economic Association, Boston, March 16, 2002.
- Invited luncheon speaker, "The Victims Compensation Fund: Adequate and Fair?", *Disaster Recovery Conference*, Foundation for Accounting Education, Yale Club, NYC, Feb. 5, 2002.
- Paper presentation, "The Market for Damages Experts: Preliminary Results of a National Survey," Winter Conference, NAFE, Cancun, Mexico, February 2, 2002.
- Speaker, "Comments on Deficiencies in Economic Regulations of Victim Compensation Fund," Victims' Families of 9/11 Rally, New York City Armory, January 17, 2002.
- Paper presentation, "Does the Victim Compensation Fund Shortchange Victims' Families?", Annual Conference, ASSA, NAFE sessions, Atlanta, Georgia, January 4, 2002.
- Invited Expert Witness, "Mini-Trial of a Handicap Discrimination Case," **Essex County Bar Foundation**, Annual Spring Program, Labor and Employment Law Committee, Livingston, NJ, June 7, 2001.
- Invited Mock Trial Expert Witness, "The Trial and Defense of a Million Dollar Employment Law Case," **Touro College Jacob D. Fuchsberg Law Center and National Employment Lawyers Association/NY**, Huntington, NY, May 17, 2001. (Program videotaped.)
- Invited Speaker on damages issues in employment litigation, **American Arbitration Association**, Employment Arbitration panel, NYC, May 10, 2001.
- Invited Speaker, "Use of an Economic Expert in Employment Law Litigation," **NELA Regional Conference**, National Employment Lawyers Association / New York, Yale Club of New York City, November 4, 2000.
- Invited speaker, Seminar on Expert Witnesses, Seton Hall Law School, Newark, October 16, 2000.
- Invited Panelist, "Preparing Damages in Employment Litigation," **Essex County Bar Foundation**, Labor and Employment Law Committee, West Orange, NJ, Sept. 13, 2000.

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Speaking Engagements, Seminars and Presentations (continued)

- Invited speaker, "Key Points Regarding the Use of an Expert Witness Economist in Litigation," Seton Hall University Law School, October 14, 1998.
- Invited speaker and mock-trial expert witness, "The 1996 Defense Counsel Trial Academy," **International Association of Defense Counsel**, Boulder, CO, July 25-26, 1996. More than 100 young attorneys nationwide attended the academy.
- "Use of Economic Experts to Calculate Lost Wages and Benefits," presented at **NJSBA Labor & Employment Law Section**, Fourth Annual Symposium, June 13, 1990.

Journal and Book Publications

- "The Role of the Forensic Economist in Nursing Malpractice Actions," Chapter 34 of *Nursing Malpractice*, 3rd Ed., Edited by Patricia W. Iyer & Barbara J. Levin. Tucson: Lawyers & Judges Publishing Co., Inc., 2007, pp. 1009-1019.
- "Estimates of Labor Productivity of Economic Damages Experts," co-authored with Elias Grivoyannis, *Journal of Forensic Economics*, 18(2-3), Fall 2005 (published July 2006), pp. 139-153.
- Chapter 50, "Household Services: Toward a More Comprehensive Measure" (article reprint) in Roger T. Kaufman, James D. Rodgers and Gerald D. Martin, *Economic Foundations of Injury and Death Damages*, Edward Elgar Publishing Ltd, 2005.
- "Did the 9/11 Victim Compensation Fund Accurately Assess Economic Losses?", co-authored with Kevin E. Cahill and Elias Grivoyannis, *Topics in Economic Analysis & Policy*, Vol. 6, Issue 1, January 2006, pp. 1-42. ISSN 1538-0653, The B.E. Journals in Economic Analysis & Policy, <http://www.bepress.com/bejeap/topics/vol6/iss1/art2>.
- "A Note on 'Household Services: Toward a More Comprehensive Measurement,'" *Journal of Forensic Economics*, 17(3), Fall 2004 (published December 2005), pp. 383-385.
- "Approaches to Damages Measurement in Employment Litigation: an Introduction," Special Issues Editor, *Journal of Forensic Economics*, 16(2), Spring/Summer 2003 (published September 2004), pp. 151-152.
- "Teaching Forensic Economics in the University Curriculum," co-authored with Frank Slesnick, *Journal of Forensic Economics*, 14(3), 2001, pp. 243-260.
- "The Role of the Forensic Economist in Nursing Malpractice Actions," Chapter 25 of *Nursing Malpractice*, 2nd Ed., Edited by Patricia W. Iyer. Tucson: Lawyers & Judges Publishing Co., Inc., 2001, pp. 671-81.
- "Broadening the Measurement of Household Services in Wrongful Death Cases," Reading 19 in *Assessing Family Loss in Wrongful Death Litigation: The Special Roles of Lost Services and Personal Consumption*, edited by Thomas R. Ireland and Thomas O. Depperschmidt, Tucson, Az: Lawyers & Judges Publishing Co., 1999.
- "Household Services: Toward A More Comprehensive Measure," *Journal of Forensic Economics*, 11(3), 1998, pp. 253-265.
- "Do We Double-Count Damages in Severe Personal Injury Cases?" *Journal of Legal Economics*, Vol. 5, No. 2, Fall 1995, pp. 23-32.

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Journal and Book Publications (continued)

- "Attorney Perspectives on the Use of Economic Experts: Survey Results," *Journal of Forensic Economics*, co-authored, Vol. VIII, No. 1, Winter 1995, pp. 13-23.
- "The Socio-Economic Order and Forensic Economics," *International Journal of Social Economics*, Vol. 20, No. 8, 1993, pages 4-11.
- "Competition for Forensic Economists and Their Ethical Behavior," *Journal of Forensic Economics*, Vol. VI, No. 3., Fall 1993, pages 263-269.
- "Estimating Monetary Loss Due to Personal Injury," *Journal of Forensic Economics*, Vol. II, No. 2, April 1989, pages 75-78.
- "Problems in Appraising the Economic Loss of a Child," *Journal of Forensic Economics*, Vol. II, No. 1, December 1988, pages 123-128.
- Economics: The Options For Dealing With Scarcity*. Glenview, IL: Scott, Foresman and Company, 1986. Preface, 492 pp., Glossary, Index. (College textbook)

Other Publications

- "Should Your Town Establish a Land Use Board?" co-authored with Robert C. Kirpatrick, *New Jersey Municipalities*, Tenton, NJ, January 2008, pp. 14-17.
- "Carefully Consider Merging Land Use Boards," *Daily Record*, Morris County, NJ, September 23, 2007.
- "Making Prevailing Plaintiffs Whole," co-authored with Christopher W. Hager, Esq., Financial Planning Section, *New Jersey Law Journal*, November 15, 2004, pp. S8-S9, S15.
- "One Mayor's View of State vs. Local Taxes," *New Jersey Municipalities*, November 2004, pp. 22-24.
- "What Accounts for the Big Differences in Damages Calculations for Death Cases in Pennsylvania and New Jersey?", *Question & Answer Book, The Legal Intelligencer*, July 2003, pp. 16-17.
- "In Employment Litigation, Stock Options are Real Money: The Expert's View," *New York Employment Law & Practice* (NY Law Jnl. Affiliate), Vol. 2, No. 7, April 2001, pp. 1-3.
- "How to Keep Your Winning Clients from Getting Shortchanged by the Tax System," *New York Employment Law & Practice* (NY Law Jnl. Affiliate), Vol. 2, No. 5, Feb. 2001, pp. 6-7.
- "Discipleship in the Marketplace: a Resource for Socially Responsible Investing and Purchasing," co-author of report as member of Commission on Justice and Peace, Archdiocese of Newark, NJ, 2001.
- "Suited for Stock Options," *IT recruitingmag.com*, March-April 2000, pp. 170-171.
- Book Review of *The New Hedonics Primer for Economists and Attorneys*, *Journal of Forensic Economics*, Vol. 12, No. 2, Spring/Summer 1999, pp. 159-160.
- Book Review Essay: *The Dollar Value of a Day: 1997 Dollar Valuation*, *Journal of Legal Economics*, Vol. 8, No. 3, Winter 1998-99, pp. 93-99.
- "Business Torts Litigation: Update 1999," handbook and cassettes, NJ Institute for Continuing Legal Education, co-author, 1999, 103 pages.

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Other Publications (continued)

"The Economic Expert for the Defense," *The Connecticut Law Tribune*, Vol. 12, No. 10, March 10, 1986, page 8.

"Role of Economist in Negligence and Other Cases Involving Economic Loss," *New Jersey Law Journal*, Vol. CXL, No. 25, June 23, 1983.

Professional Memberships

American Economic Association, 1964-present

National Association of Forensic Economics, 1987-present

Western Economic Association International, 1988-present

Eastern Economic Association, 1995-present

American Academy of Economic and Financial Experts, 1999-present

Consulting

Expert testimony at over 600 trials, arbitration hearings and oral depositions. Numerous economic loss appraisal reports for use in litigation regarding economic damages: earnings, household services, guidance, companionship, employment discrimination, lost profits, commercial damages, breach of contract, defamation, divorce, and punitive damages.

Lists of trial and deposition testimony may be found at www.TinariEconomics.com

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Journal of Forensic Economics

**Statement of Ethical Principles and
Principles of Professional Practice
National Association of Forensic Economics (NAFE)**

When providing expert opinion for use as evidence by the trier of fact, a NAFE member pledges, as a condition of membership, adherence to the following:

1. Engagement

Practitioners of forensic economics should decline involvement in any litigation when they are asked to assume invalid representations of fact or alter their methodologies without foundation or compelling analytical reason.

2. Compensation

Practitioners of forensic economics should not accept contingency fee arrangements, or fee amounts associated with the size of a court award or out-of-court settlement.

3. Diligence

Practitioners of forensic economics should employ generally accepted and/or theoretically sound economic methodologies based on reliable economic data. Practitioners of forensic economics should attempt to provide accurate, fair and reasonable expert opinions, recognizing that it is not the responsibility of the practitioner to verify the accuracy or completeness of the case-specific information that has been provided.

4. Disclosure

Practitioners of forensic economics should stand ready to provide sufficient detail to allow replication of all numerical calculations, with reasonable effort, by other competent forensic economics experts, and be prepared to provide sufficient disclosure of sources of information and assumptions underpinning their opinions to make them understandable to others.

5. Consistency

While it is recognized that practitioners of forensic economics may be given a different assignment when engaged on behalf of the plaintiff than when engaged on behalf of the defense, for any given assignment, the basic assumptions, sources, and methods should not change regardless of the party who engages the expert to perform the assignment. There should be no change in methodology for purposes of favoring any party's claim. This requirement of consistency is not meant to preclude methodological changes as new knowledge evolves, nor is it meant to preclude performing requested calculations based upon a hypothetical--as long as its hypothetical nature is clearly disclosed in the expert's report and testimony.

6. Knowledge

Practitioners of forensic economics should strive to maintain a current knowledge base of their discipline.

7. Discourse

Open, uninhibited discussion is a desired educational feature of academic and professional forensic economic conferences. Therefore, to preserve and protect the educational environment, practitioners of forensic economics will refrain from the citation of oral remarks made in an educational environment, without permission from the speaker.

8. Responsibility

Practitioners of forensic economics are encouraged to make known the existence of, and their adherence to, these principles to those retaining them to perform economic analyses and to other participants in litigation. In addition, it is appropriate for practitioners of forensic economics to offer criticisms of breaches of these principles.

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FRANK D. TINARI, Ph.D.

TRIAL TESTIMONY (2004)

| | |
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| Case: Metrey [female wrongful death] Martin J. McGetrick, Esq. (434/971-7273) CHANDLER FRANKLIN & O'BRYAN | January 7, 2004 Hon. Charles P. Walsh Bergen County Superior Court (NJ) |
| Case: Watts [female personal injury] Peter S. Gordon, Esq. (718/544-7070) GORDON & GORDON | January 9, 2004 Hon. Alan C. Marin [bench trial] New York State Court of Claims (NYC) |
| Case: Barber [male wrongful death] David M. Paris, Esq. (973/661-0710) PIRO ZINNA CIFELLI & PARIS | January 14, 2004 Hon. Mary Margaret McVeigh Passaic County Superior Court (NJ) |
| Case: Bell [female personal injury - med malp] Christian T. Merlino, Esq. (973/691-1188) LAW OFFICES OF ROBERT A. SCIROCCO | January 19, 2004 Videotaped trial testimony Morris County Superior Court (NJ) |
| Case: Greer [youth personal injury] - for DF Mark Bongiovanni, Esq. (973/539-2090) LEARY BRIDE TINKER & MORAN | January 21, 2004 Hon. Paul T. Koenig, Jr. Mercer County Superior Court (NJ) |
| Case: Tartaglia [female termination] Bennett D. Zurofsky, Esq. (973/622-8347) REITMAN PARSONNET | February 9, 2004 Hon. Carmen Messano Hudson County Superior Court (NJ) |
| Case: Henderson v. Chartiers [statistical analysis] for DF Gregory C. Melucci, Esq. (412/242-4400) MAIELLO BRUNGO & MAIELLO | February 10, 2004 Hon. M.J. Mitchell, Magistrate Judge U.S. Western District Court, PA |
| Case: Plemmons [business loss] David S. Rochman, Esq. (856/772-3700) ATTORNEY AT LAW | March 1, 2004 Hon. Michael J. Kassel Camden County Superior Court (NJ) |
| Case: Apicella [male personal injury] Matthew J. McMahon, Esq. (718/324-8900) ATTORNEY AT LAW | March 2, 2004 Hon. Patricia Anne Williams Bronx County Supreme Court (NYC) |
| Case: Bresnahan [male death case - med malp] David M. Paris, Esq. (973/661-0710) PIRO ZINNA CIFELLI PARIS & GENITEMPO | March 10, 2004 Videotaped trial testimony Essex County Superior Court (NJ) |

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TRIAL TESTIMONY (2004)
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| Case: Forte [male personal injury] David M. Paris, Esq. (973/661-0710) PIRO ZINNA CIFELLI PARIS & GENITEMPO | March 22, 2004 Hon. Stephen F. Smith, Jr. Morris County Superior Court (NJ) |
| Case: Cabezas [female personal injury] Gary T. Steele, Esq. (973/575-0505) ATTORNEY AT LAW | March 24, 2004 Hon. Christine L. Miniman Passaic County Superior Court (NJ) |
| Case: Jimerson [female wrongful inducement] Robert Giacovas, Esq. (212/758-9300) LAZARE POTTER GIACOVAS KRANJAC | April 1, 2004 Panel of Arbitrators National Assoc of Securities Dealers / NYC |
| Case: Burton [male wrongful death] Michael J. Perrucci, Esq. (908/454-4570) FISCHBEIN BADILLO WAGNER HARDING | April 26, 2004 Hon. Nicholas J. Stroumtsos, Jr. Middlesex County Superior Court (NJ) |
| Case: Augustine [male personal injury] Eugene M. Purcell, Esq. (908/658-3800) PURCELL RIES SHANNON MULCAHY O'NEILL | April 27, 2004 Videotaped trial testimony Somerset County Superior Court (NJ) |
| Case: Puzio [infant impairment med mal] John B. Collins, Esq. (973/625-1600) BONGIOVANNI COLLINS WARDEN | April 28, 2004 Hon. W. Hunt Dumont Morris County Superior Court (NJ) |
| Case: Cromwell [female impairment med mal] Jeffrey W. Warden, Esq. (973/625-1600) BONGIOVANNI COLLINS WARDEN | May 4, 2004 Hon. Edward M. Oles Ocean County Superior Court (NJ) |
| Case: DiGrazia [female wrongful discharge] Dennis Calo, Esq. (201/488-5400) CALO AGOSTINO | May 5, 2004 Hon. Joseph L. Yannotti Bergen County Superior Court (NJ) |
| Case: Douyon [male wrongful discharge] Scott D. Rodgers, Esq. (908/685-0900) MILLER ROBERTSON & RODGERS | May 10, 2004 Hon. Frank W. Gasiorowski Somerset County Superior Court (NJ) |
| Case: Pope [male job loss - med mal] Walter A. Lesnevich, Esq. (201/342-2322) LESNEVICH & MARZANO-LESNEVICH | May 11, 2004 Hon. Joseph A. Riva Passaic County Superior Court (NJ) |

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TRIAL TESTIMONY (2004)
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| Case: Pereyra [male personal injury] F. Frank Voza, Esq. (718/654-3330) VOZZA & HUGUENOT | May 19, 2004 Hon. Irving Rosen Bronx County Supreme Court (NYC) |
| Case: Owens [female wrongful discharge] William H. Ewing, Esq. (215/851-8420) ECKERT SEAMANS ET AL. | June 7, 2004 Hon. Eduardo C. Robreno U.S. Eastern District Court, PA |
| Case: Nichols [female wrongful death-med mal] Glenn C. Slavin, Esq. (732/726-3307) SLAVIN & MORSE, LLC | June 10, 2004 Hon. Frank W. Gasiorowski Somerset County Superior Court (NJ) |
| Case: Csapo [female wrongful death] Mary Siobhan Brennan, Esq. (609/298-6200) ATTORNEY AT LAW | June 16, 2004 Hon. Paul T. Koenig, Jr. Mercer County Superior Court (NJ) |
| Case: Martins [female injury - med mal] Paul G. Kostro, Esq. (908/486-1200) COUNSELLOR AT LAW | June 18, 2004 Hon. John Pisansky Union County Superior Court (NJ) |
| Case: Abram [male injury] David Tykulsker, Esq. (973/509-9292) LAW OFFICES | June 23, 2004 Hon. Harriet Derman Somerset County Superior Court (NJ) |
| Case: Platow [male injury] Michael J. Reimer, Esq. (973/313-0900) LAW OFFICES | July 15, 2004 Hon. Donald S. Goldman Essex County Superior Court (NJ) |
| Case: Marinelli [male wrongful death-med mal] John R. Schwartz, Esq. (201/333-9000) MILLER MEYERSON SCHWARTZ & CORBO | July 16, 2004 Hon. Barbara A. Curran Hudson County Superior Court (NJ) |
| Case: Virgil [female injury] Glenn E. Goldberg, Esq. (973/325-1188) ALPERT BUTLER ET AL. | August 3, 2004 Hon. Camille M. Kenny Hudson County Superior Court (NJ) |
| Case: Patel [female wrongful death-med mal] George L. Farmer, Esq. (609/823-7700) ATTORNEY AT LAW | August 30, 2004 Hon. William E. Nugent Atlantic County Superior Court (NJ) |

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TRIAL TESTIMONY (2004)
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|---|---|
| Case: Salvetti [infant impairment-med mal] Angel M. DeFilippo, Esq. (973/243-2099) GRIECO OATES & DeFILIPPO | September 21, 2004 Hon. Sebastian P. Lombardi Essex County Superior Court (NJ) |
| Case: Babcock [male wrongful discharge] Richard A. Dunne, Esq. (908/228-8200) ATTORNEY AT LAW | September 23, 2004 Hon. Frank M. Ciufanni Middlesex County Superior Court (NJ) |
| Case: Brenman [female personal injury] Todd J. Leonard, Esq. (973/376-6500) LEONARD & LEONARD | October 18, 2004 Hon. Edward J. Ryan Middlesex County Superior Court (NJ) |
| Case: DeJesus [male personal injury-med mal] Glenn Goldberg, Esq. (973/325-1188) ALPERT BUTLER NORTON ET AL. | October 19, 2004 Hon. Frederic Theemling Hudson County Superior Court (NJ) |
| Case: Cooper [male personal injury-med mal] Mark S. Kancher, Esq. (856/813-1180) SHAFFER & SCERNI | October 20, 2004 Hon. Steven P. Perskie Atlantic County Superior Court (NJ) |
| Case: Kovalik [male personal injury] Brian P. O'Connor, Esq. (856/727-1991) GINSBERG & O'CONNOR | October 21, 2004 Hon. Marc M. Baldwin Burlington County Superior Court (NJ) |
| Case: Taylor [female wrongful death-med mal] Steven L. Menaker, Esq. (201/348-6000) CHASAN LEYNER BARISO & LAMPARELLO | November 8, 2004 Hon. Robert P. Contillo Bergen County Superior Court (NJ) |
| Case: Cook [female wrongful termination] Richard P. Flaum, Esq. (908/757-7800) DIFRANCESCO BATEMAN COLEY ET AL. | November 15, 2004 Hon. Edward J. Ryan Middlesex County Superior Court (NJ) |
| Case: Raimo [male wrongful death-med mal] Richard A. Gantner, Esq. (908/704-8888) NEE, BEACHAM & GANTNER | December 10, 2004 Hon. Sebastian P. Lombardi Essex County Superior Court (NJ) |
| Case: Quinn [female youth wrongful dth-UIIM] Roy Alan Cohen, Esq. (973/538-4006) PORZIO BROMBERG & NEWMAN | December 14, 2004 Arbitration Panel (3 attorneys) Somerset County Superior Court (NJ) |

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FRANK D. TINARI, Ph.D.

TRIAL TESTIMONY (2005)

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|---|---|
| Case: Verna [female wrongful death - med mal] Peter J. Kurshan, Esq. (973/535-8840) CHASE KURSHAN ET AL. | January 19, 2005 Hon. Joseph L. Foster Ocean County Superior Court (NJ) |
| Case: Pirrello [male personal injury] William J. Soriano, Esq. (973/364-0111) SORIANO HENKEL ET AL. | January 25, 2005 Hon. John J. Coyle, Jr. Warren County Superior Court (NJ) |
| Case: Ristaino [male personal injury] Paul T. Hofmann, Esq. (973/622-1414) CAPPIELLO HOFMANN & KATZ | January 26, 2005 Hon. Marie Simonelli Essex County Superior Court (NJ) |
| Case: Weresow [female wrongful discharge] Susan B. Fellman, Esq. (908/490-9900) BREUNINGER & FELLMAN | February 7, 2005 Hon. Karen M. Cassidy Union County Superior Court (NJ) |
| Case: Bass [lost business profits] DF William J. Gearty, Esq. (732/449-1114) LAW OFFICES | February 9, 2005 Hon. Martin E. Kravarik Monmouth County Superior Court (NJ) |
| Case: Lambert (Dear) [male death - med mal] Joel A. Leyner, Esq. (201/348-6000) CHASAN LEYNER & LAMPARELLO | February 17, 2005 Hon. Barbara A. Curran Hudson County Superior Court (NJ) |
| Case: Buonomo [male personal injury] Patrick J. Mangan, Esq. (732/636-9291) RABB HAMILL & STILLMAN P.A. | February 22, 2005 Hon. Alexander Waugh Hudson County Superior Court (NJ) |
| Case: Wheelright [male wrongful discharge] Lee Ann Pounds, Esq. (973/219-7485) ALICE M. PLASTORIS LAW OFFICES | February 28, 2005 Hon. Stephen F. Smith, Jr. Morris County Superior Court (NJ) |
| Case: Tylman [male personal injury] William J. Barillari, Esq. (718/273-4046) BOSCO BISIGNANO & MASCOLO | March 7, 2005 Hon. Theodore T. Jones Brooklyn County Supreme Court (NYC) |
| Case: Creech [female personal injury] Jane E. Young, Esq. / Peter A. Gaudioso, Esq. (303-293-8800 / 973-993-8100) McELROY DEUTSCH MULVANEY & CARPENTER | March 9, 2005 Hon. Richard Matsch U.S. District Court, 10 th Cir. (Denver) |

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TRIAL TESTIMONY (2005)
(page 2)

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|---|---|
| Case: Reis, Inc. v. Rubin [breach of contract] Richar H. Apat, Esq. (718/261-9470) PEARLMAN APAT & FUTTERMAN [for DF] | March 22, 2005 Hon. Edward H. Lehner New York County Supreme Court (NYC) |
| Case: Gelsomino [male personal injury] Martin Edelman, Esq. (212/943-1200) EDELMAN & EDELMAN | March 23, 2005 Hon. Marcy S. Friedman New York County Supreme Court (NYC) |
| Case: Windham [female personal injury] David H. Kaplan, Esq. (732/324-7777) LAW OFFICE OF FRANK A. TOBIAS | April 14, 2005 Hon. Marie P. Simonelli Essex County Superior Court (NJ) |
| Case: Procaccino [female personal injury] Michael R. Paglione, Esq. (609/890-2273) PAGLIONE & MASSI | April 22, 2005 Hon. Paul T. Koenig, Jr. Mercer County Superior Court (NJ) |
| Case: Pindilli [female personal injury] Thomas D. Roberston, Esq. (973/242-0002) SEDGWICK DETERT MORAN & ARNOLD | May 9, 2005 Hon. Vincent Le Blon Middlesex County Superior Court (NJ) |
| Case: Knoster [male wrongful death] Thomas J. Vesper, Esq. (609/645-1111) WESTMORELAND VESPER & QUATTRONE | May 13, 2005 Hon. Mary L. Cooper U.S. District Court, NJ (Trenton) |
| Case: Matos [male wrongful death - med mal] Jerome H. Block, Esq. (212/605-6200) LEVY PHILIPS & KONIGSBERG | June 7, 2005 Hon. Marcy S. Friedman New York County Supreme Court (NYC) |
| Case: Smalls [female impairment - med mal] Stephen Chakwin, Esq. (203/855-7685) JOSHUA A. SCHULMAN LAW OFFICES | June 9, 2005 Hon. Bruce D. Alpert Nassau County Supreme Court (NY) |
| Case: Willick [male wrongful death] Gerald H. Baker, Esq. (201/659-2635) BAKER GARBER DUFFY & PEDERSEN | June 13, 2005 Hon. Charles P. Walsh Bergen County Superior Court (NJ) |
| Case: Rinehart [female wrongful death] Michael R. Paglione, Esq. (609/890-2273) PAGLIONE & MASSI | June 15, 2005 Hon. Marie W. Bell Burlington County Superior Court (NJ) |

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TRIAL TESTIMONY (2005)
(page 3)

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|---|---|
| Case: Yurovchak [male impairment - med mal] Tim Brunnock, Esq. (973/898-3700) LAW OFFICES | June 20, 2005 Hon. Diana Wilson Morris County Superior Court (NJ) |
| Case: Abram [male injury] - re-trial Stuart Ball, Esq. (973/509-9292) LAW OFFICES | June 22, 2005 Hon. Harriet Derman Somerset County Superior Court (NJ) |
| Case: Silverthorne-Kaldy [female injury] Paul G. Hunczak, Esq. (973/383-2700) MORRIS DOWNING & SHERRED | June 28, 2005 Hon. Robert J. Brennan Morris County Superior Court (NJ) |
| Case: Delvalle [female injury] Daniel T. Leav, Esq. (212/766-5222) LEAV & STEINBERG | July 21, 2005 Hon. Kenneth L. Thompson, Jr. Bronx County Supreme Court (NY) |
| Case: O'Loughlin [male death - med mal] Roy Allan Cohen, Esq. (973/889-4240) PORZIO BROMBERG NEWMAN | June 26, 2005 Hon. Diana Wilson Morris County Superior Court (NJ) |
| Case: Sura [male injury] Michael A. Mark, Esq. (973/423-9000) ATTORNEY AT LAW | August 2, 2005 Hon. Edward T. O'Connor, Jr. Hudson County Superior Court (NJ) |
| Case: Amtech 1 [contract present value] Richard F. Collier, Jr., Esq. (609/924-2213) COLLIER & BASIL | September 15, 2005 Hon. Marie Simonelli Essex County Superior Court (NJ) |
| Case: Bell [male wrongful termination] Kevin M. Kiernan, Esq. (973/509-8900) KIERNAN & CAMPBELL | September 27, 2005 Videotaped trial testimony Morris County Superior Court (NJ) |
| Case: Lindenmeier [male impairment] Jack S. Dweck, Esq. (212/687-8200) THE DWECK LAW FIRM | October 14, 2005 Hon. Roy S. Mahon Nassau County Supreme Court (NY) |
| Case: Ortiz [child wrongful death] Anthony F. Malanga, Jr., Esq. (973/759-2807) GACCIONE POMACO & MALANGA | October 17, 2005 Hon. Louis Locasio Monmouth County Superior Court (NJ) |

FRANK D. TINARI, Ph.D.

TRIAL TESTIMONY (2005)
(page 4)

| | |
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| Case: DaSilva [male injury] Leland Stuart Beck, Esq. (516/228-8383) BECK GEWURZ & STRAUSS | October 21, 2005 Hon. Robert J. McDonald Queens County Supreme Court (NY) |
| Case: Soong [female impairment - med mal] Peter E. Rhatican, Esq. (973/543-0220) LAW OFFICES | December 7, 2005 Hon. Isabel B. Stark Bergen County Superior Court (NJ) |
| Case: Valentini [female injury - auto] Jeffrey W. Moryan, Esq. (973/535-0500) CONNELL FOLEY LLP | December 8, 2005 Hon. Jose L. Linares U.S. District Court, NJ (Newark) |
| Case: Johnston et al. [4 male race discrimination] Michael D. Homans, Esq. (856/661-2271) FLASTER GREENBERG PC | December 12, 2005 Hon. Harvey Bartle, III U.S. District Court, PA (Philadelphia) |
| Case: Miller [female impairment] Steven A. Lee, Esq. (212/319-1000) QUIRK and BAKALOR | December 14, 2005 Hon. Magistrate Mark D. Fox U.S. District Court, NY (White Plains) |

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TRIAL TESTIMONY (2006)

| | |
|---|--|
| Case: Dukes [male personal injury] Lawrence R. Pacifico, Esq. (732/388-5454) TOBIN KOSTER OLECKNA ET AL. | January 10, 2006 Hon. Katherine Dupuis Union County Superior Court (NJ) |
| Case: M. Smith [female personal injury-med mal] Frank J. Nostrame, Esq. (201/656-8170) ATTORNEY AT LAW | January 24, 2006 Hon. Peter F. Bariso, Jr. Hudson County Superior Court (NJ) |
| Case: Scutti [female wrongful death-med mal] Ernest P. Fronzuto, Esq. (973/661-0710) PIRO ZINNA CIFELLI PARIS & GENITEMPO | February 1, 2006 Hon. Donald W. Merkelbach Essex County Superior Court (NJ) |
| Case: Colon [male personal injury] Joseph T. Walsh, III, Esq. (973/635-6300) McCUSKER ANSELM ROSEN CARVELLI & WALSH | February 10, 2006 Hon. Stephen J. Bernstein Essex County Superior Court (NJ) |
| Case: Westbrook [female wrongful discharge] Gary E. Roth, Esq. (908/322-6200) LEIB KRAUS GRISPIN & ROTH | February 15, 2006 Hon. Vincent LeBlon Middlesex County Superior Court (NJ) |
| Case: McKeever [female death - med mal] Jason M. Rubin, Esq. (212/986-7353) WINGATE RUSSOTTI & SHAPIRO | February 22, 2006 Hon. Douglas McKeon Bronx County Supreme Court (NY) |
| Case: Mikalic [male death] Michael J. Breslin, Jr., Esq. (201/343-5678) ATTORNEY AT LAW | March 22, 2006 Hon. Marc M. Baldwin Burlington County Superior Court (NJ) |
| Case: Ashwal & Winograd [male wrngfl dschrge] Aurel A. Villari, Esq. (201/653-8600) ATTORNEY AT LAW | April 10, 2006 Hon. Elijah L. Miller, Jr. Bergen County Superior Court (NJ) |
| Case: Viapiano [female personal injury] Robert E. Margulies, Esq. (201/333-0400) LAW OFFICES OF MARGULIES WIND | April 20, 2006 Videotaped trial testimony Bergen County Superior Court (NJ) |
| Case: Schurter [male personal injury] Norman A. Doyle, Jr. Esq. (201/997-0030) DOYLE and BRADY | May 3, 2006 Hon. Daniel Mecca Bergen County Superior Court (NJ) |

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| Case: Henry [male death - med mal] Peter E. Rhatican, Esq. (973/543-0220) LAW OFFICES | May 5, 2006 Videotaped trial testimony Morris County Superior Court (NJ) |
| Case: Heitmuller [female pers. injury-pensn loss] Matthew R. Pomo, Jr., Esq. (201/997-0030) DOYLE & BRADY | June 1, 2006 Hon. Hector R. Velazquez Hudson County Superior Court (NJ) |
| Case: El Bakal [male personal injury] Vito A. Cannavo, Esq. (212/732-9000) SULLIVAN PAPAIN ET AL. | June 15, 2006 Hon. Andrew J. Peck U.S. District Court, NY (Manhattan) |
| Case: Angelo [male personal injury] Joseph G. LePore, Esq. (732/920-5500) LePORE & LUIZZI | June 16, 2006 Videotaped trial testimony Ocean County Superior Court (NJ) |
| Case: DeSantis [female death - med mal] John B. Collins, Esq. (973/625-1600) BONGIOVANNI COLLINS & WARDEN | June 21, 2006 Hon. John J. Coyle, Jr. Warren County Superior Court (NJ) |
| Case: Podias [male wrongful death] Jeffrey A. Peck, Esq. (973/360-1100) DRINKER BIDDLE & REATH | July 12, 2006 Videotaped trial testimony Ocean County Superior Court (NJ) |
| Case: Bardach [male death - med mal] Gerald T. McCarthy, Esq. (212/732-6000) McCARTHY & KELLY | July 14, 2006 Hon. Abdu Salaam Manhattan County Supreme Court (NY) |
| Case: Pita [female wrongful death - med mal] Michael Barrett, Esq. (732/855-6063) WILENTZ GOLDMAN & SPITZER | July 19, 2006 Hon. Peter Bariso Hudson County Superior Court (NJ) |
| Case: Jhaveri [female wrongful death] John R. Scott, Esq. (973/912-5222) HARDIN KUNDLA McKEON ET AL. | July 25, 2006 Videotaped trial testimony Essex County Superior Court (NJ) |
| Case: Klocko [female wrongful death - med mal] Anthony V. D'Elia, Esq. (201/348-6000) CHASAN LEYNER & LAMPARELLO | July 26, 2006 Hon. Joseph P. Quinn Monmouth County Superior Court (NJ) |

FRANK D. TINARI, Ph.D.

TRIAL TESTIMONY (2006)

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|---|--|
| Case: Perry [infant wrongful death - med mal] Jack S. Dweck, Esq. (212/687-8200) DWECK LAW FIRM | August 9, 2006 Hon. Jane S. Scholl Hartford County Superior Court (Conn.) |
| Case: Dorsey [female personal injury] Steven F. Wukovits, Esq. (908/709-1700) TRIARSI BETANCOURT WALSH & WUKOVITS | September 6, 2006 Videotaped trial testimony Middlesex County Superior Court (NJ) |
| Case: Giaimo [female wrongful death - med mal] Arthur L. Raynes, Esq. (973/539-1313) WILEY MALEHORN & SIROTA | September 13, 2006 Videotaped trial testimony Essex County Superior Court (NJ) |
| Case: Hanlon [male wrongful discharge] Samuel J. Samaro, Esq. (201/488-8200) PASHMAN STEIN | September 19, 2006 Arbitration panel testimony U.S. District Court, NY (Manhattan) |
| Case: Freeman [male wrongful death - med mal] Vincent Jesuele, Esq. (908/232-2040) KESSLER DIGIOVANNI & JESUELE | September 27, 2006 Hon. John F. Malone Union County Superior Court (NJ) |
| Case: Fogarty [male wrongful death] Christian C. LoPiano, Esq. (201/798-8300) LOPIANO & KENNY | September 27, 2006 Hon. Verna G. Leath Essex County Superior Court (NJ) |
| Case: Hoeckh [male personal injury] Andrew B. Lane, Esq. (973/560-9599) ATTORNEY AT LAW | September 28, 2006 Hon. W. Hunt Dumont Morris County Superior Court (NJ) |
| Case: Velez [female impairment-med mal] David M. Paris, Esq. (973/661-0710) PIRO ZINNA CIFELLI PARIS & GENITEMPO | October 16, 2006 Hon. Joseph J. Riva Passaic County Superior Court (NJ) |
| Case: Cologna [female personal injury] Michael R. Du Pont, Esq. (732/741-6681) McKENNA, Du PONT, HIGGINS & STONE | October 19, 2006 Hon. Edward M. Neafsey Monmouth County Superior Court (NJ) |
| Case: Aleksyuk [male personal injury] Walter Strauss, Esq. (305/724-4143) ILASZ & ASSOCIATES | November 27, 2006 Hon. Lawrence Martin Kings County Supreme Court (NY) |

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TRIAL TESTIMONY (2006)
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Case: Santiago [female wrongful discharge]
Stuart S. Ball, Esq. (973/661-4545)
BALL LIVINGSTON, LLP

November 29, 2006
Hon. Menelaos W. Toskos
Bergen County Superior Court (NJ)

Case: Perez [male personal injury]
Robert Osuna, Esq. (212/233-1033)
LAW OFFICE

December 7, 2006
Hon. Eileen A. Rokower
Manhattan County Supreme Court (NY)

total: 32

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TRIAL TESTIMONY (2007)

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| Case: Cartagena [female death - med mal] Dean S. Pashaian, Esq. (908/688-5111) ROTHENBERG & PASHAIAN | January 15, 2007 Videotaped <i>de bene esse</i> trial testimony Bergen County Superior Court (NJ) |
| Case: Coca [male death - med mal] Nicholas Martino, Jr., Esq. (716/605-7360) ATTORNEY AT LAW | January 16, 2007 Hon. Elijah L. Miller, Jr. Bergen County Superior Court (NJ) |
| Case: Redvanly [female wrongful discharge] John L. Shahdanian II, Esq. (201/348-6000) CHASAN LEYNER & LAMPARELLO | January 24, 2007 Hon. Hector K. Velazquez Hudson County Superior Court (NJ) |
| Case: Goldberg [female personal injury] Daniel G. P. Marchese, Esq. (973/383-2700) MORRIS DOWNING & SHERRED | January 24, 2007 Videotaped <i>de bene esse</i> testimony Morris County Superior Court (NJ) |
| Case: Fonseca [female personal injury] Michael D'Agostino, Esq. (973/731-2055) ATTORNEY AT LAW | January 25, 2007 Hon. Paul Innes Mercer County Superior Court (NJ) |
| Case: Burke [female impairment - med mal] Joshua A. Schulman, Esq. (212/509-4222) LAW OFFICES | February 2, 2007 Hon. W. Dennis Donovan Westchester County Supreme Court (NY) |
| Case: Longo [male wrongful discharge] Michael G. Berger, Esq. (212/983-6000) LAW OFFICES | February 2, 2007 Hon. George B. Daniels U.S. District Court, NY (Manhattan) |
| Case: Powers [male death - med mal] Jeffrey Campisi, Esq. (973/226-7155) SHARKEY & CAMPISI | February 8, 2007 Hon. Hector E. DeSoto Essex County Superior Court (NJ) |
| Case: Calderon/Gualpa [female death - med mal] Anthony V. D'Elia, Esq. (201/348-6000) CHASAN LEYNER & LAMPARELLO | February 27, 2007 Videotaped trial testimony Hudson County Superior Court (NJ) |
| Case: Falcon [female death] Frank L. Patti, Esq. (973/729-5040) PATTI & PATTI | March 8, 2007 Hon. James A. Farber Sussex County Superior Court (NJ) |

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| Case: Fiocco [female injury] Andrew J. Calcagno, Esq. (908/272-7300) CALCAGNO & ASSOCIATES | March 23, 2007 Hon. Phillip Straniere Richmond County Supreme Court (NY) |
| Case: Woetko [male impairment - med mal] Michael B. Sena, Esq. (973/535-8840) CHASE KURSHAN HERZFELD & RUBIN | April 10, 2007 Hon. Louis Locasio Monmouth County Superior Court (NJ) |
| Case: Johnson [female injury] Lucille M. Barbato, Esq. (718/828-8200) SPIEGEL & BARBATO | May 11, 2007 Hon. Howard H. Sherman Bronx County Supreme Court (NY) |
| Case: Stuart [female wrongful discharge] Ruth Pollack, Esq. (516/746-0144) POLLACK & KOTLER | June 4, 2007 Hon. Joseph A. Bianco U.S. District Court, NY (Eastern District) |
| Case: Globe Motorists [products liability] Marc Rowin, Esq. (212/682-4001) LYNCH ROWIN LLP | June 6, 2007 Hon. Charles Brient U.S. District Court (Southern District, NY) |
| Case: Scott [19 lead poison impairments] Leslie D. Kelmachter, Esq. (212/869-3500) THE JACOB D. FUCHSBERG LAW FIRM | June 12, 2007 Hon. Lawrence Knipel Kings County Supreme Court (NY) |
| Case: Hill [male death] John A. Zukowski, Esq. (631/714-5470) ZUKOWSKI & ZUKOWSKI, PC | July 9, 2007 Arbitration Hearing (at United Arbitration) Nassau County Supreme Court (NY) |
| Case: McConville [male personal injury] Linda A. Stark, Esq. (212/813-9148) ATTORNEY AT LAW | September 27, 2007 Hon. Judith R. McMahon Richmond County Supreme Court (NY) |
| Case: Juliano [male personal injury - med mal] Marc S. Oxman, Esq. (914/422-3900) OXMAN TULIS ET AL. | October 9, 2007 Hon. Aldo A. Nastasi Westchester County Supreme Court (NY) |

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|---|---|
| Case: Santore [male personal injury - med mal] Nicholas Martino, Jr., Esq. (718/605-7360) ATTORNEY AT LAW | October 11, 2007 Hon. Anthony I. Giacobbe Richmond County Supreme Court (NY) |
| Case: Singh [male personal injury] Paul H. Maloney, Esq. (212/213-0700) MALONEY & LETOWSKY | October 25, 2007 Hon. Melvin L. Schweitzer [bench trial] New York State Court of Claims (NYC) |
| Case: Della Valle [male wrongful discharge] Kathleen M. DalCortivo, Esq. (732/286-0100) DalCORTIVO LAW OFFICES | October 25, 2007 Robert P. Simmelkjaer [binding arbitration] Monmouth County (NJ) |
| Case: Walker [female wrongful discharge] Louis W. Childress, Jr., Esq. (973/678-5038) CHILDRESS & JACKSON | October 26, 2007 Hon. Hector E. DeSoto Essex County Superior Court (NJ) |
| Case: Rojas [male wrongful discharge] Jason LeBoeuf, Esq. (973/675-4242) SUSSMAN & LeBOEUF | December 6, 2007 Hon. Susan D. Wigenton U.S. District Court (Newark, NJ) |

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Deposition Testimony (2004)

| | |
|---|---|
| FitzPatrick (male wrongful discharge) Joseph Priory, Esq. LAW OFFICES | January 21, 2004 609/279-0800 |
| McCarthy (male death - med.malp.) Thomas R. Chesson, Esq. PORZIO, BROMBERG & NEWMAN | February 4, 2004 973/538-4006 |
| Wissen (female death) Robert F. Cavanaugh, Jr., Esq. WATERS McPHERSON McNEILL | February 9, 2004 201/863-4400 |
| Hall (business loss) Gregory K. Mueller, Esq. LEBSON & MUELLER | February 12, 2004 201/567-4969 |
| Madison (female death) Eric A. Farnsworth, Esq. DeWITT ROSS & STEVENS | February 13, 2004 608/252-9352 (Wisconsin) |
| Panico (female personal injury) for DF Aldo J. Russo, Esq. RUSSO & DELLA BADIA | March 1, 2004 973/597-9696 |
| Pavlova (female death) Arnold E. Jabin, Esq. ARNOLD & JABIN | April 14, 2004 732/257-1044 |
| Pope (male impairment - med mal) Michael R. Mildner, Esq. LESNEVICH & MARZANO-LESNEVICH | April 30, 2004 201/342-2322 |
| Acey (female personal injury) Lourdes M. Rodriguez, Esq. ATTORNEY AT LAW | May 11, 2004 973/642-5703 |
| Cook (female wrongful discharge) Richard P. Flaum, Esq. DiFRANCESCO BATEMAN COLEY ET AL. | May 18, 2004 908/757-7800 |
| Guichardo (female personal injury - med mal) David M. Paris, Esq. PIRO ZINNA CIFELLI PARIS & GENTEMPO | June 2, 2004 973/661-0710 |

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Deposition Testimony (2004)

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| | |
|--|------------------------------------|
| Vernon Walden (breach of contract) Terry Trantina, Esq. STERN & KILCULLEN | July 13, 2004 973/535-1900 |
| Soong (female personal injury -med mal) Peter Rhatican, Esq. ATTORNEY AT LAW | July 14, 2004 973/543-0220 |
| Young (female wrongful discharge) Stacy Benson, Esq. OFFICES OF NEAL M. UNGER, PC | July 16, 2004 732/985-8666 |
| Sherbo (male wrongful death) Eric G. Kahn, Esq. JAVERBAUM WURGAFT ET AL. | July 22, 2004 973/379-4200 |
| Schlendorf (male wrongful death) Anthony D'Elia, Esq. CHASAN LEYNER BARISO & LAMPARELLO | July 27, 2004 201/348-6000 |
| Curtis (female personal injury-med mal) Michael L. Rosenberg, Esq. SEEGER WEISS LLP | August 4, 2004 973/639-9100 |
| Silverthorne-Kaldy (female personal injury) Stephen A. Snyder, Esq. MORRIS, DOWNING & SHERRED, LLP | August 11, 2004 973/383-2700 |
| Laura Freda (female wrongful discharge) Barry E. Levine, Esq. ATTORNEY AT LAW | August 17, 2004 973/538-2084 |
| JENI LLC v Alitalia (breach of contract) William I. Strasser, Esq. STRASSER & ASSOCIATES | August 25, 2004 201/445-9001 |
| Ivan Campuzano (male wrongful discharge) Amos Gern, Esq. STARR GERN DAVISON & RUBIN | September 23, 2004 973/403-9200 |
| Portia McMillian (female personal injury) Melissa Luce, Esq. STEPHEN S. WEINSTEIN, PC | October 4, 2004 973/267-5200 |

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Deposition Testimony (2004)
(page 3)

| | |
|---|-----------------------------------|
| Mantelman (male wrongful death) Lawrence H. Kleiner, Esq. DAVID M. WATKINS LAW OFFICE | November 3, 2004 201/768-0301 |
| Bowers (male personal injury-youth med mal) Ellen Relkin, Esq. WEITZ & LUXENBERG | November 24, 2004 212/363-2721 |
| Jones (male personal injury-infant med mal) Steven J. Greenstein, Esq. TOBIN KOSTER OLECKNA ET AL. | November 30, 2004 732/388-5454 |
| Mulder (legal mal - female wrongful discharge) Aaron L. Handleman, Esq. [for DF] ECCLESTON AND WOLF | December 20, 2004 202/857-1696 |

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Deposition Testimony (2005)

| | |
|---|-----------------------------------|
| Pita (female wrongful death - med mal) Howard E. Shafran, Esq. SHAFRAN & MOSLEY | January 4, 2005 212/239-6900 |
| Willick (male wrongful death) Gerald H. Baker, Esq. BAKER GARBER DUFFY & PEDERSEN | January 20, 2005 201/659-2635 |
| Angelini (female infant impairment - med mal) Susan B. Fellman, Esq. BREUNINGER & FELLMAN | February 10, 2005 908/490-9900 |
| Campoverde (female impairment - med mal) Peter MacIsaac, Esq. CHASAN LEYNER & LAMPARELLO | February 18, 2005 201/348-6000 |
| Ludlow (female injury) [for DF] Walter Monahan, Esq. LEARY BRIDE TINKER & MORAN | March 24, 2005 973/539-2090 |
| Iungerman (male wrongful discharge) Richard L. Elbert, Esq. REA & ELBERT LLC | April 15, 2005 908/889-9550 |
| Pavlova (female death) - Part 2 Arnold E. Jabin, Esq. JABIN & FLEMING | April 19, 2005 732/257-1044 |
| Hassan (female injury at birth) Eric Kahn, Esq. JAVERBAUM WURGAFT ET AL. | May 3, 2005 973/379-4200 |
| Velez (female injury - med mal) David M. Paris, Esq. PIRO ZINNA ET AL. | July 27, 2005 973/661-0710 |
| Bell (male wrongful discharge) Kevin M. Kiernan, Esq. ATTORNEY AT LAW | August 12, 2005 973/509-8900 |

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Deposition Testimony (2005)
(page 2)

| | |
|---|-------------------|
| Fresh Del Monte Pineapples (antitrust, class certification) | August 23, 2005 |
| Robert I. Lax, Esq. ROBERT I. LAX & ASSOCIATES | 212/818-9150 |
| Silver (female death - med mal) | August 30, 2005 |
| Lawrence P. Stern, Esq. LIEBOWITZ LIEBOWITZ & STERN | 201/567-2900 |
| Powers (male death - med mal) | September 1, 2005 |
| Gregory G. Campisi, Esq. SHARKEY & CAMPISI | 973/226-7155 |
| Cannella (female personal injury) | September 2, 2005 |
| Diane Ault Cullen, Esq. ATTORNEY AT LAW | 732/505-9200 |
| Sutter (male death) | September 8, 2005 |
| Paul A. O'Connor, Esq. O'CONNOR LAW OFFICES | 973/635-2210 |
| Magierski (male personal injury) | October 18, 2005 |
| Joelle Jensen, Esq. ANGIULI KATKIN & GENTILE | 718/816-0005 |
| Forde (male death) | October 19, 2005 |
| Craig Rothenberg, Esq. ROTHENBERG & PASHAIAN | 908/688-5111 |
| Garrigo (male youth death) | October 20, 2005 |
| Stephen A. Satkin, Esq. CRANER, SATKIN & SCHEER | 908/322-2333 |
| DesRuisseau (male death) | October 25, 2005 |
| Stuart M. Kurtzer, Esq. ATTORNEY AT LAW | 973/235-0200 |
| Hanlon (male wrongful discharge) | October 27, 2005 |
| Samuel J. Samaro, Esq. PASHMAN STEIN | 201/488-8200 |

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Deposition Testimony (2005)
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| | |
|--|-----------------------------------|
| Williams (female wrongful discharge) Maria D. Noto, Esq. LAW OFFICES | October 28, 2005 732/441-9546 |
| Valentini (female injury) Jeffrey W. Moryan, Esq. CONNELL FOLEY | October 31, 2005 973/535-0500 |
| Tremain (male youth death) Mary Jane Bass, Esq. BEGGS & LANE | November 2, 2005 850/432-2451 |
| Gerber (male wrongful discharge) Joel M. Bacher, Esq. LAW OFFICES | November 8, 2005 973/720-8111 |
| Fonseca (female injury) Michael D'Agostino, Esq. BECKER & D'AGOSTINO | December 20, 2005 212/752-3380 |

FRANK D. TINARI, Ph.D.

Deposition Testimony (2006)

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| | |
|--|-----------------------------------|
| DeWelt (male wrongful discharge) Robyn M. Gnudi, Esq. ST. JOHN & WAYNE, LLC | January 4, 2006 973/491-3600 |
| Longo (male wrongful discharge) Michael G. Berger, Esq. ATTORNEY AT LAW | January 26, 2006 212/983-6000 |
| Giaimo (female death - med mal) Arthur L. Raynes, Esq. WILEY, MALEHORN & SIROTA | February 6, 2006 973/539-1313 |
| Hunter (young male death) Michael R. Paglione, Esq. SZAFTERMAN LAKIND BLUMSTEIN ET AL. | February 15, 2006 609/275-0400 |
| Marshall (young male death) Gregory R. Preston, Esq. PRESTON WILKINS & MARTIN | February 23, 2006 212/809-0000 |
| Boiko (female injury - med mal) Steven J. Greenstein, Esq. TOBIN KOSTER OLECKNA ET AL. | February 28, 2006 732/388-5454 |
| DelMonte (class action antitrust claim) Robert I. Lax, Esq. ROBERT I LAX & ASSOCIATES | March 7, 2006 212/818-9150 |
| Rea (male death) Franklin G. Soto, Esq. BASTARRIKA GUZMAN & SOTO | March 9, 2006 973/977-9919 |
| Astudillo (male personal injury) Lisa A. Firko, Esq. LUM DANZIS DRASCO & POSITAN | April 6, 2006 973/228-6738 |
| Levy (female death - med mal) John B. Collins, Esq. BONGIOVANNI COLLINS & WARDEN | April 19, 2006 973/625-1600 |
| El Bakal (male personal injury) Frank Floriani, Esq. SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO | April 21, 2006 212/732-9000 |

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Deposition Testimony (2006)

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|--|--------------------------------|
| Lewis Chester Associates, Inc.(contract breach) Scott B. Gorman, Esq. GORMAN & GORMAN | May 10, 2006 856/665-4300 |
| Cho (male personal injury - med mal) Christian C. LoPiano, Esq. LOPIANO & KENNY | May 22, 2006 201/798-8300 |
| Ritschel (contract breach) Gerard Filitti, Esq. DRINKER BIDDLE | May 23, 2006 973/549-7322 |
| McMahan Securities v FB Foods (contract breach) Patti E. Evans, Esq. PL & COUNTERCLAIM DF ISAACS & EVANS LLP | June 8, 2006 212/253-6634 |
| Huntley (female personal injury) Samuel M. Spatzer, Esq. LAW OFFICES | June 14, 2006 305/665-6099 |
| O'Brien (female wrongful discharge) Daniel T. Kopec, Esq. NIEDWESKE BARBER P.C. | June 15, 2006 973/401-0064 |
| Toth (male personal injury - legal mal) Robert Trautmann, Esq. TRAUTMANN PRYOR & LUTHER | July 12, 2006 973/316-8100 |
| Oeskovic (female death - product liability) Thomas M. Mulcahy, Esq. PURCELL RIES ET AL. | July 13, 2006 908/658-3800 |
| Pava (male death - med mal) Herbert M. Korn, Esq. ATTORNEY AT LAW | July 24, 2006 973/455-0080 |
| IHOP Properties (contract breach - loss of sales) Timothy B. Hyland, Esq. LEFFLER & HYLAND (Virginia) | July 28, 2006 703/293-9300 |
| Bassett (male personal injury) Timothy Brunnock, Esq. BRUNNOCK & FLEMING | August 1, 2006 973/898-3700 |

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Deposition Testimony (2006)

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| | |
|---|------------------------------------|
| Hernandez (infant impairment - med mal) Brian F. Satkowski, Esq. McDONOUGH KORN EICHHORN & SCHORR | August 23, 2006 973/912-9099 |
| VanNatta (female wrongful discharge) Michelle Joy Munsat, Esq. ATTORNEY AT LAW | September 7, 2006 973/313-1240 |
| O'Neill (female impairment - med mal) Jennifer E. Troast, Esq. LOCKS LAW FIRM | September 18, 2006 856/663-8200 |
| Esposito (youth death - accid. & med mal) David M. Paris, Esq. PIRO ZINNA ET AL. | September 22, 2006 973/661-0710 |
| Farrell (male wrongful discharge) Richard A. Gantner, Esq. NEE, BEACHAM & GANTNER | October 17, 2006 908/704-8888 |
| Ortega (single male wrongful death) Kenneth L. Gonzalez, Esq. LAW OFFICES | October 18, 2006 732/442-2500 |
| Leone (male wrongful discharge) Scott C. Bushelli, Esq. COOPER BUSHELLI & MORRISON | November 9, 2006 856/439-7494 |
| Kuberiet (infant death - accident) Erroll J. Haythorn, Esq. GILL & CHAMAS | November 10, 2006 732/324-7600 |
| Olsen (male wrongful death - med mal) Gerald M. Compeau, Jr., Esq. ATTORNEY AT LAW | November 13, 2006 973/359-8070 |
| Caraballo (female wrongful death - med mal) Herbert J. Kessler, Esq. KESSLER DIGIOVANNI & JESUELE | November 20, 2006 908/232-2040 |

total: 32

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| McCarrell (male impairment - med mal) Stephen F. Bolton, Esq. HOOK BOLTON KIRKLAND & McGHEE | February 9, 2007 850/433-0809 |
| Beard (female impairment - med mal) Stephen F. Bolton, Esq. HOOK BOLTON KIRKLAND & McGHEE | February 9, 2007 850/433-0809 |
| Ives (male wrongful death - med mal) Herbert M. Korn, Esq. ATTORNEY AT LAW | February 15, 2007 973/455-0080 |
| Schaefer Salt Recovery (real estate contract dispute) Nicholas Khoudary, Esq. ATTORNEY AT LAW | February 23, 2007 732/238-8900 |
| Bisman (male impairment - med mal) Patrick J. Timmins, Esq. LEVY PHILLIPS & KONIGSBERG | February 28, 2007 212/605-6200 |
| Bossler (female wrongful death) Joel S. Rosen, Esq. COHEN PLACITELLA & ROTH | March 12, 2007 215/567-3500 |
| Kelley (male wrongful death - med mal) Timothy R. Lawn, Esq. RAYNES McCARTY | March 26, 2007 215/568-6190 |
| Cahill (female wrongful termination) DanaLynn T. Colao, Esq. SAIBER SCHLESINGER ET AL. | DF April 16, 2007 973/622-3333 |
| Weisgarber (male wrongful termination) Justin Callow, Esq. LAW OFFICES OF FRANK M. CRIVELLI | April 17, 2007 609/890-1900 |
| Hines (male wrongful death - med mal) Mariangela Chiaravalloti, Esq. FRIEDMAN FRIEDMAN CHIARAVALLOTTI & GIANNINI | April 20, 2007 212/267-0380 |
| Sikoryak (female wrongful death - med mal) Paul O'Connor, Esq. O'CONNOR & O'CONNOR | April 23, 2007 973/635-2210 |

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|---|--------------------------------|
| Globe Motorists (lost profits) Marc Rowin, Esq. LYNCH ROWIN LLP | April 24, 2007 212/682-4001 |
| Globe Motorists (continuation) Marc Rowin, Esq. LYNCH ROWIN LLP | May 1, 2007 212/682-4001 |
| Minster (female impairment - med mal) Jennifer E. Troast, Esq. LOCKS LAW FIRM | May 9, 2007 856/663-8200 |
| DeWelt (male wrongful discharge) (part 2) Robyn M. Gnudi, Esq. ST. JOHN & WAYNE, LLC | May 14, 2007 973/491-3600 |
| Walsh (youth wrongful death) Peter C. Vitanzo, Esq. COUNSELLOR AT LAW | May 16, 2007 732/528-7069 |
| Goldstein (male impairment - med mal) Sharon B. Kessel, Esq. BLUME GOLDFADEN BERKOWITZ ET AL. | May 17, 2007 973/635-5400 |
| Melendez (female wrongful death - med mal) Steven J. Greenstein, Esq. TOBIN KOSTER OLECKNA ET AL. | May 22, 2007 732/388-5454 |
| Richards (male failure to promote) Joel Bograd, Esq. OXFELD COHEN, PC | May 29, 2007 973/642-0161 |
| Young (male impairment - med mal) Rachel A. Wingerter, Esq. NORRIS McLAUGHLIN & MARCUS | June 1, 2007 908/722-0700 |
| Fattori (male wrongful discharge) Brian J. Duff, Esq. SZAFERMAN LAKIND | June 22, 2007 609/275-0400 |
| Della Valle (male failure to accommodate) Kathleen M. Dal Cortivo, Esq. LAW OFFICES | July 5, 2007 732/286-0100 |

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|---|---------------------------------|
| Reynolds (female impairment - med mal) Stephen F. Bolton, Esq. HOOK BOLTON KIRKLAND & McGHEE | July 13, 2007 850/433-0809 |
| Fields (female impairment - med mal) Stephen F. Bolton, Esq. HOOK BOLTON KIRKLAND & McGHEE | July 13, 2007 850/433-0809 |
| Transport Alliance (business loss) DF Thomas J. Monroe, Esq. MEYNER and LANDIS LLP | July 20, 2007 973/624-2800 |
| Terminal Ventures (lost profits - insur. claim) Michael E. Gogal, Esq. MCCUSKER ANSELM ROSEN & CARVELLI | July 26, 2007 973/635-6300 |
| Good (male wrongful death) Lucas E. Phillips, Esq. LAW OFFICES | July 27, 2007 732/341-2152 |
| Sanchez (male wrongful death) Kathleen P. Garvey, Esq. MAROTTA & GARVEY | July 31, 2007 201/943-6300 |
| Chervenak (male personal injury) Michael J. Asta, Esq. ASTA & ASSOCIATES | August 2, 2007 973/735-0549 |
| Maggi (male wrongful discharge) Michael D. Homan, Esq. FLASTER GREENBERG | August 7, 2007 856/661-1900 |
| Portocarrero (undocumented male wrongful death) Kenneth C. Marano, Esq. NORBERTO H. YACONO LAW OFFICES | August 10, 2007 973/684-2745 |
| Egan (male wrongful death-med mal) Gregory B. Noble, Esq. O'CONNOR & O'CONNOR LAW OFFICES | August 15, 2007 973/635-2210 |
| Mandler (male impairment-med mal) John B. Collins, Esq. BONGIOVANNI, COLLINS & WARDEN | August 21, 2007 973/625-1600 |

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|---|------------------------------------|
| Morgenstern (female wrongful discharge) Andrew S. Goodstadt, Esq. THOMPSON WIGDOR & GILLY | August 24, 2007 212/239-9292 |
| Romano (male wrongful death-med mal) Paul A. O'Connor III, Esq. O'CONNOR & O'CONNOR LAW OFFICES | August 28, 2007 973/635-2210 |
| Matera et al. (property damage) DF Thomas J. Monroe, Esq. MEYNER AND LANDIS LLP | September 4, 2007 973/624-2800 |
| Saffos (male wrongful discharge) Susan Fellman, Esq. BREUNINGER & FELLMAN | September 20, 2007 908/490-9900 |
| SW&L (lost profits) Frederick L. Wright, Esq. VAUGHN, WRIGHT & BOYER | September 25, 2007 770/805-9889 |
| Scales (female personal injury) Matthew R. Pomo, Jr., Esq. BRADY and BRADY | October 10, 2007 201/997-0030 |
| Trotman (male wrongful discharge) Matthew A. Schiappa, Esq. CLEMENTE MUELLER ET AL. | October 31, 2007 973/455-8008 |
| Cuthill (female wrongful death - med mal) Jennifer E. Troast, Esq. LOCKS LAW FIRM | November 13, 2007 856/663-8200 |
| Del Valle (male wrongful discharge) DF Michael J. Thompson, Esq. EPSTEIN BECKER & GREEN | November 14, 2007 973/639-8257 |
| Schroppe (female wrongful death - med mal) Harris S. Feldman, Esq. BLUME GOLDFADEN ET AL. | November 27, 2007 973/635-5400 |
| Computer Sales International, Inc. (contract claim) Robert J. Kaler, Esq. McCarter & English (Boston) | December 4, 2007 617/449-6507 |

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Triolo (male wrongful discharge)
Kevin P. Kovacs, Esq.
COUNSELOR AT LAW

December 27, 2007
973/526-7111

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